S. B. CIVIL SECOND APPEAL NO.248/2004.
(Shri Ram & Others v. Nizamuddin)

Date of Order: :22-01-2007

HON'BLE MR. PRAKASH TATIA, J.

Mr. Vijay Bishnoi, for appellants.
Mr.J.K.Bhaiya and Mr.Durga Ram, for respondent.

Learned counsel for the appellants submits that the appellants-appellants have challenged the 'Patta' (Exhibit 10) by filing revision petition which is pending before the Additional District Collector, Jodhpur. Since the plaintiff filed the suit for injunction and that was dismissed by the trial Court vide judgment and decree dated 1st February, 2002 and Appellate Court allowed the first appeal and restrained the defendants from interfering in the peaceful enjoyment of the property in dispute by the plaintiff and the First Appellate Court itself held that the defendants will be free to challenge the 'Patta' (Exhibit 10), therefore, I do not find any merit in this appeal as till 'Patta' Ex.10 is not set aside in accordance with the law, the plaintiffs' have right to enjoy the property . The defendants are free to approach the Court for relief and can file suit in case the 'Patta' Ex.10 is set aside by the competent authority.

In view of the above, the appeal of the appellants is dismissed with the observations made above.

(PRAKASH TATIA), J.

scd